

# MTSA/ISPS POLICY ADVISORY COUNCIL

March 15, 2005

## Policy

### Companies Withdrawing from Alternative Security Programs 56-05

**FINAL**

**Issue (56-05):** What are the requirements when vessel and facility owners or operators, in continuous operation under an approved Alternative Security Program (ASP), intend to withdraw from participation in that program and/or association with the third party or industry organization sponsor of the ASP?

### **Policy:**

Vessel and facility owners and operators subject to parts 104, 105 and 106 must operate under an approved security plan at all times.

Owners and operators of regulated vessels and/or facilities may not operate under the provisions of an approved ASP unless they are members in good standing of that program to include the third party or industry organization sponsor of the ASP.

Owners and operators, who wish to remain in continuous operation and are participating in an approved ASP, who intend to withdraw from participation in that ASP and/or association with the third party or industry organization sponsor of the approved program must, no later than 60 days **prior to withdrawing** from participation in the program and/or association with the ASP sponsor:

- a) Provide written notification to the Marine Safety Center (MSC), cognizant Captain of the Port (COTP) or District Commander as applicable, of their intent to withdraw from the program and must indicate what alternative will be employed on or before expiration of the 60 day period. A copy of the written notification will be maintained with the owner's and/or operator's ASP, currently in force.
- b) Submit, in accordance with 33CFR104.410, 33CFR105.410 or 33CFR106.410, as applicable, either another approved ASP, a new security plan for review and approval or cease regulated activities at the end of the 60 day notification period.

When the Coast Guard is notified through a third party, such as the trade organization which sponsors the Alternative Security Program, that a member has withdrawn from using the Program, the company will be provided a requirement to submit either another approved ASP or a new security plan for review and approval and be operating under their new plan within 30 days of Coast Guard notification.

In the time period between a company's withdrawal from an ASP and the time that they have their own approved plan, they will be permitted to use the ASP for continuity of operations, if the sponsor of the Alternative Security Program permits this operational overlap.

Any company that withdraws from an Alternative Security Program will be provided additional requirements, including operational restrictions under 33 CFR 101.410, if they exceed the above deadlines for having their own security plans submitted and approved.